IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8763 of 2005

Between:

1 Lagadapati Anjaneyulu, S/o. Venkata Rao,
Guntur District.
2 Sompalli Jaya, W/o. Subba Rao, Hindu, Guntur District.
3 Aitha Rama Mohan Rao, S/o. Venkata Subba Rao,
4 Addagiri Gurunatham, S/o Kothaiah,
Pappu Bazar, Vinukonda, Guntur District.
5 Guntaka Malleswari, W/o. Rajasekhara Reddy,
ABM Compound, Vinukonda.
6 Dhandu Sugunamma, W/o. Lokanadha Reddy,
ABM Compound, Vinukonda.
7 Gangineni Nirupa, W/o. Radha Krishna Murthy,
Hindu, Kummarizazar, Metur
8 Malempati Subba Rao, S/o. Pedda Venkateswara Rao, Hindu, Vinukonda.
9 T.Padmavathi, W/o. Srinivasa Rao, ABM Compound, Vinukonda.
10 Kondappli Kalyani, W/o. Venkateswara Rao, Kothapet, Vinukonda.
11 Paladugu Brahmeswara Rao, S/o. Mukunda Rao, Kothapet, Vinukonda.

..... PETITIONERS

AND

1 The Sub Registrar, Sub Registrar's Office, Kavali, Nellore District.
2 The Deputy Inspector General of Registration, and Stamps, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more especially one in the nature of Writ of Mandamus declaring the action of respondents in not releasing the pending document bearing No.P.9 to P.19 by registering the same in favour of the petitioners which is pending registration before the 1st respondent and stopped the registration at the behest of

the2nd respondent as per letter dated 29.3.2004 as being illegal, arbitrary, violation of Art 14 of Constitution of India and provisions of the Indian Registration and Stamps Act and the rules made there under the consequentially direct the respondents herein to register pending Document No.P9 toP19 by releasing the same in favour of the petitioners herein pending disposal of the Writ Petition, as other wise the petiitoner will be put to great hardship and injury.

Counsel for the Petitioner:MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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O R D E R:

The writ petition is filed seeking a declaration that the action of the respondents in not releasing the documents bearing No.P.9 to P19 presented on 16-4-2003 for registration before the 1st respondent as arbitrary and illegal.

It is claimed that the petitioners have purchased small extents of lands in Vinukonda and Jaladanki Villages of Kavali Mandal, Nellore District, and that the said sale deeds were presented for registration before the first respondent on 16-4-2003. It is alleged that the said documents (Document Numbers P-9 to P-19 of 2003) were just kept pending with the first respondent. The contention

of the petitioners is that the action of the first respondent in not registering and not releasing the documents in question in the absence of any notification under Section 22-A of the Registration Act, 1908 is arbitrary and illegal. Hence, this writ petition.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for the petitioner that W.P.No.9797 of 2004 filed by a similarly situated person in respect of the registration of the land situated in Vinukonda village was disposed of by this Court with a direction to the respondents to register the document presented by the petitioner, if other rules relating to registration are satisfied. Operative portion of the order in W.P.No. 9797 of 2004 reads as under:

> As per Section 22-A of Registration Act, only in case where the State Government issues notification in the official Gazettee declaring that registration of any document or class of documents is opposed to public policy, the registering officer can refuse to register such document. In this case, admittedly there is no such notification. Therefore, first respondent refusing to register the document on the ground that he has instructions from higher authorities, though there is no notification under Section 22A of the Registration Act, is improper and contrary to the provisions of the Registration Act. Therefore, the writ petition is disposed of with a direction to the first respondent to register the document presented by the petitioner for registration, if other rules relating to registration are satisfied. No costs.

The learned counsel for the petitioner states that in pursuance of the said order the document which was the subject matter of the said W.P. was registered and released, but so far as the documents in question are concerned though they relate to the land in the same village, the respondents are not considering the request of the petitioner and the documents have not been registered and released so far.

The learned Government Pleader for Revenue appearing for the respondents does not dispute the fact that there is no notification under Section 22-A of the Registration Act in respect of the land in question.

Under the circumstances, following the order in W.P.No.9797 of 2004,

this writ petition is disposed of with a direction to the 1st respondent to register the documents presented by the petitioners, if the documents are otherwise in order and the other rules relating to registration are satisfied.

Accordingly, the writ petition is disposed of. No costs.

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20-04-2005

Note: CC by Monday

B/o Mjl/*

To,

1 The Sub Registrar, Sub Registrar's Office, Kavali, Nellore District.
2 The Deputy Inspector General of Registration, and Stamps, Guntur.

3. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4. 2 CD copies.